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C O N F I D E N T I A L SECTION 01 OF 02 DHAKA 001268

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TAGS: [ELAB](#) [KCRM](#) [KDEM](#) [PGOV](#) [PINR](#) [PREL](#) [BG](#)

SUBJECT: ANTI-CORRUPTION CHIEF LOOKS PAST ELECTION TO  
INCREASED ROLE FOR HIS COMMISSION

Classified By: Geeta Pasi, Charge d'Affaires, a.i.  
Reasons 1.4(b) and (d)

¶1. (C) Hasan Mashud Chowdhury, Chairman Bangladesh,s Anti-Corruption Commission, has attempted to keep the ACC out of political deal making preceding the national parliamentary elections slated for later this month. Chowdhury interprets the recent increase in judicially granted bails and their subsequent approval upon appeal as a result of the Supreme Court,s desire to overcome division between the trial and appeal courts. The ACC Chairman,s vision for the future includes expansion and training of staff and a focus on corruption within the judiciary. It is not clear whether Chowdhury, or his reforms of the ACC, will survive once an elected government comes into office.

Political Scenario  
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¶2. (C) During a recent meeting, ACC Chairman Hasan MaShud Chowdhury shared his views on the upcoming for the December 29, 2008 national parliamentary elections. He predicted the caretaker government would continue to give in to the demands of the parties, saying the political parties were driven by a desperate desire to come to power and motivated primarily by fear of losing the elections. In handicapping the election, he noted that the Awami League had an advantage in that it had a second string of potential candidates beyond those potentially ineligible based on criminal convictions or other reasons. He encouraged the USG to help temper BNP leader Khaleda Zia,s rhetoric. He acknowledged that boycotting the elections in 1986 had helped the BNP gain supporters in the long run. Contrasting the events of 1986 with the current situation, he predicted that the BNP would lose, not gain, if it failed to participate in the elections. Chowdhury stressed the importance of the ACC remaining impartial and outside any political deal making.

Personal Accusations and the Judiciary  
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¶3. (C) Recently, former BNP Energy Advisor Mahmudur Rahman accused the ACC Chairman of engaging in money laundering during his past tenure as Chairman of the Bangladesh Army-controlled Trust Bank. Rahman, a close advisor of BNP Chairperson Khaleda Zia, was himself a target of an ACC investigation. Chowdhury opined that targets of corruption investigations have sought to distract the ACC and other agencies from their work by maligning those organizations and their employees.

¶4. (C) Founded in the British legal tradition, the judicial system in Bangladesh establishes the Supreme Court as the highest court in the land. The Supreme Court has two divisions - the High Court Division (basically a higher level trial court) and the Appellate Division (which hears appeals from the High Court). Until June and a shift in Chief Justices, the Appellate Division generally showed itself willing to overturn actions taken by the High Court in anti-corruption cases. Chowdhury noted that, in the past six months, the High Court had granted an extraordinary number of bail requests to persons accused of corrupt practices. During the same period and in a departure from past practice, the Appellate Division has been less willing to overturn such actions taken by the High Court.

¶5. (C) Chowdhury described Judge MM Ruhul Amin (head of the Supreme Court since late May 2008) as a &wise man8 whose goal was to unify the two court divisions, and dispel the appearance of a divided Supreme Court, with the High Court and Appellate divisions frequently heading in opposite legal directions. He expressed concern, however, about the costs involved in reaching such unity, with both judicial divisions supporting the decisions to grant bail in controversial cases. Later, Chowdhury stated that half the judges were from political parties, and party loyalty blinded them. Finally, Chowdhury revealed that the ACC was investigating three cases focusing on the finances of particular judges which would be pursued in the post-election period. He stated that the ACC would complete those investigations after the elections to avoid possible accusations of

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politically-motivated prosecutions and &tit for tat8 punishment by the ACC aimed at the judiciary.

The Future of the Commission  
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¶6. (C) The ACC Chairman revealed an ambitious plan for the post-election period. In his opinion, the ACC will no longer have to be as concerned about the appearance of partisanship after the elections. In fact, he sees a post-election period marked by decreased attempts to interfere with the ACC, given the conclusion of the current round of political negotiations.

¶7. (C) Chowdhury outlined his plans for the ACC to regroup in 2009. The Chairman acknowledged that the ACC,s existing personnel did not understand their role and functions and said he planned to hire additional people and conduct needed training. He welcomed US assistance in this regard. Chowdhury highlighted the ACC,s increasing cooperation with foreign banks and governments and enhanced involvement in international anti-corruption efforts such as Corruption Hunter Network and Global Witness.

Comment  
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¶8. (C) Chowdhury has ambitious plans for the ACC, for the coming year and acts as if he intends to remain in place after the elections. Ultimately, however, his survival depends more on the willingness of the new government to keep him than his own desires. The ACC should play a significant role in Bangladesh,s law enforcement community. The recently enacted Money Laundering Ordinance of 2008 specifies that the ACC is the entity charged with investigating all money laundering related cases, not just cases involving corruption. This designation signifies a crucial role for the ACC in combating money laundering and financial crimes in general. The DOJ Resident Legal Advisor,s Office will spearhead the Embassy,s efforts to assist the ACC with its training and development needs. At the same time, to ensure the ACC,s continued relevance, we will have to work with the

next government to ensure its support for the Commission,s  
work.  
PASI